IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.No.18217 of 2020
and
WMP No.22622 of 2020

M.Madanagiri
President,
FMR-6, Thenkanikottai Meenavar,
Kootturavu Sangam Limited,
Thenkanikottai,
Krishnagiri District. ...Petitioner

Vs.

1. The District Collector,
   Krishnagiri.

2. The Assistant Director of Fisheries,
   Krishnagiri.

3. The Block Development Officer,
   Thalli,
   Krishnagiri.

4. The Commissioner,
   Thalli Panchayat Union,
   Thalli, Krishnagiri District.

5. The President,
   Panchayat Board,
   Ancheatti,
   Thalli Panchayat Union,
   Krishnagiri District.

6.Sridhar ....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the production of records relating to the proceedings dated 28.09.2020 made in Na.Ka.No.766/2020/A5 passed by the fourth respondent herein, quash the same and direct the fourth respondent to grant lease of fishing rights in Ancheatti Nallan Chakaravarthi Lake situate within the jurisdiction of Thalli Panchayat Union, Krishnagiri District for a period of five years

from 2019-2020 to 2023-2024 in favour of the FMR-6 Thenkanikottai Fishermen Co-Operative Society at Thenikanikottai, Krishnagiri District.

For Petitioners: Mr.Rajasekaran
for Mr.S.Senthilnathan

For Respondents: Mr.Annai Ezhil,
Government Advocate,
for R1 and R2

: Mr.Tamilarasan,
Additional Government Pleader
for R3, R4 and R5

: Mr.Premkumar
for R6

O R D E R

The petitioner / the President of a Fishermen Society has filed this writ petition as against the confirmation of the lease of fishing rights in Ancheatti Nallan Chakaravarthi Lake of Thalli Panchayat Union, Krishnagiri District by the fourth respondent in favour of the sixth respondent.

2.The FMR-6 Thenkanikottai Fishermen Co-Operative Society [in short 'the Society'] is in existence for sixty years for the welfare of its members fishermen and more than 2500 families are depending on the Society. There is a lake called Ancheatti Nallan Chakaravarthi Lake [in short 'the Lake'] within the jurisdiction of the petitioner's Society in Thalli Panchayat Union. The Executive Committee of the petitioner's Society passed a resolution for obtaining fishing lease in the Lake by approaching the second respondent. As there is a Government Order in G.O.Ms.No.332, Animal Husbandry and Fisheries (FS.IV) Department, dated 17.11.1993 [in Short 'G.O.Ms.No.332, dated 17.11.1993'], which mandates the authorities to give priority in the matter of grant of lease of any fishing rights only to the Fishermen Co-Operative Society and the Lake can be brought for auction only when the Co-Operative Society is not willing to take up the lease.

3.Based on the resolution of the petitioner's society, the second respondent has also recommended for grant of lease in favour of the petitioner's society by his proceedings dated 24.03.2020. Accordingly, the third respondent by his proceedings in Na.Ka.No.766/2020/A5, dated22.04.2020 directed the petitioner to remit the lease amount as follows, together with GST.

Sl.No.	Fasali Year	Lease amount (in Rs.)
1	2019-2020	38913
2	2020-2021	42804
3	2021-2022	47084
4	2022-2023	51792
5	2023-2024	56971
	Total	237564
	GST(18%)	42762
	Grand Total	280326

4. It was further stated that on such payment of the lease amount, the lease would be granted in favour of the petitioner's Society. But contrary to this order, in view of the Covid-19 pandemic, the petitioner's Society failed to pay the amount as directed by the third respondent in his proceedings dated 22.04.2020 and by taking advantage of the same and contrary to the Government Order in G.O.Ms.No.332, dated 17.11.1993, the third respondent proceeded with the auction for the fishing rights on the Lake on 18.09.2020 and granted lease of fishing rights for three years in favour of the sixth respondent by proceedings dated 28.09.2020 and the same is impugned in this writ petition.

5.Heard Mr.Rajasekaran, learned Counsel for the petitioner, Mr.Annai Ezhil, learned Government Advocate for respondent Nos.1 and 2, Mr.Tamilarasan, learned Additional Government Pleader for respondent Nos.3 to 5, Mr.Premkumar, learned Counsel for respondent No.6.

6.The learned Counsel for the petitioner by relying upon the Government Order in G.O.Ms.No.332, dated 17.11.1993 would submit that the first opportunity must be given only to the Co-Operative Society comprising of fishermen or harijans engaged in fishing and public auction can be resorted only if no Co-Operative Society of fishermen or harijans engaged in fishing is willing to take up the lease. If any lease is granted in favour of the Society, it shall be for a period of five years with automatic escalation of 10% hike over the previous year's lease amount.

7.The second respondent Director of Fisheries has also recommended the petitioner's Society for grant of fishing lease to the fourth respondent, Block Development Officer, Thalli Panchayat Union by his proceedings in Na.Ka.No.148/E/2020, dated 24.03.2020 and accordingly the fourth respondent Block

Development Officer by his proceedings in Na.Ka.No.766/2020/A5, dated 22.04.2020 has also informed the petitioner to pay a sum of Rs.2,80,326/- as lease amount for the period from 2019-2020 to 2021-2023 together with GST. The petitioner has also paid a sum of Rs.2,41,413/- through demand drafts dated 17.09.2020 and 21.09.2020. When the fourth respondent has confirmed the lease in favour of the the petitioner's society, by proceedings dated 22.04.2020, he ought not to have conducted a public auction, without cancelling the earlier order dated 22.04.2020 and without issuing notice to the petitioner and therefore, on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

8.The petitioner has also filed an undertaking affidavit on 05.02.2021 that he is willing to take up the fishing rights of the Lake by paying a lease amount of rupees five lakh for the period from 2020-2021 to 2022-2023. The learned Counsel for the petitioner has also relied upon the orders of this Court in W.A.No.384 of 2017, dated 16.11.12017 and the order passed by the Hon'ble Supreme Court in SLP.No.3171 of 2018, dated 12.02.2018 in support of his contention.

9.While entertaining this writ petition, this Court by order dated 14.12.2020 granted an interim order of injunction till 08.01.2021, if the lease is not yet granted in favour of sixth respondent.

10.The respondent Nos.4, 5 and 6 have appeared through their respective Counsel and filed their respective counter affidavits inter alia as follows:

i. Though this writ petition is filed in a representative capacity as the President of the Society, there is no reference about the registration number of the Society and the existence of the said Society. It is claimed that the Society is in existence for sixty years, 2500 families are depending on the Society and they are indulging in fishing activities without any basis and without any documentary proof.

ii. The second respondent vide proceedings Na.Ka.No.148/E/2020, dated 24.03.2020 recommended to the third respondent to grant lease for fishing rights to the petitioner's Society for a period of five years from 2019 – 2020 and 2020 – 2023 and determined the lease amount as prescribed in G.O.Ms.No.332, dated 17.11.1993. Based on this recommendation of the second respondent, the third respondent has also communicated the petitioner for allotment of lease in favour of the petitioner's society by his proceedings Na.Ka.No.766/2020/A5, dated 22.04.2020. The petitioner has not responded to this communication of the third respondent for more

than five months and only when the fifth respondent has let the Lake for public auction, has come forward to pay the leas amount of Rs.38,913/- and Rs.2,41,413/- by demand drafts, on 22.09.2020, when the auction was confirmed in favour of the sixth respondent on 18.09.2020 for a sum of Rs.4,61,000/-. The sixth respondent has also paid a sum of Rs.5,16,320/- together with GST at the rate of Rs.55,320/-. The lease is also restricted for a period three years instead of five years and therefore, the petitioner has not approached this Court with any bona fide and therefore, the relief sought for by the petitioner cannot be granted in favour of the petitioner.

11.The learned Counsel for the sixth respondent submitted that pursuant to the lease dated 18.09.2020, he invested a huge amount for purchasing fishlings and he he has relied on the following invoices.

Sl.No.	Invoice dated	amount in Rupees
1	27.09.2020	2,19,500
		18,000
2	30.09.2020	2,80,800
		18,000
3	02.10.2020	1,95,200
		18,000
4	04.10.2020	2,05,400
		18,000
	Total	9,72,900

12.The second respondent by his letter in RC.No.148/D/2020, dated 01.02.2021 addressed to the learned Government Advocate has taken a stand as follows:

> "It is said that as per the reference cited G.O.332, we have fixed the amount Rs.2,80,326/- and forwarded to the third respondent for allocation of Nallanchakravarthi Chetti Eri to FMR-6, Thenikanikottai fisherman co-operative society which comes under the area of operation of the above society. Where the third respondent already allotted Fishery Lease to public for the period of three years. At this juncture Office of the Assistant Director of Fisheries can be ruled out for fixing of Fishery lease of Nallanchakravarthi Chetti Lake. This is kindly submitted for the Government Advocate, High Court, Chennai.

13.The learned Additional Government Pleader appearing for respondent Nos. 3 to 5 would submit that since the petitioner has not come forward to remit the amount as directed, the auction dated 18.09.2020 was conducted as public auction after issuance of public notice and around 68 persons have participated in the public auction.

14.The petitioner knowing that the Lake is subjected for auction has come forward to the pay the amount that too after completion of the auction in favour of the sixth respondent. Though the petitioner claims excuse on account of Covid-19 pandemic, he did not make any representation to the Panchayat expressing its inability to pay the amount as directed by the fourth respondent in his proceedings dated 23.04.2020. The petitioner did not make any objection to the public auction, did not participate in the public auction and did not offer the said amount immediately after the public auction. The learned Additional Government Pleader has also relied on the Tamil Nadu Panchayats (Lease and licensing of Fishery rights in water source vested and regulated by Village Panchayats and Panchayat Union- Councils) Rules 1999,[in Short TN Panchayat Rules, 1999] and would submit that the TN Panchayat Rules, 1999 enacted under Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act, 21 of 1994) mandates the authority that any lease or lincence of fishing right in the Village Panchayat or Panchayat Union Council shall be conducted only as public auction and whoever breaches these Rules, is liable to be punished with a fine and therefore, he prayed for dismissal of this writ petition as devoid of merits.

15.This Court paid its anxious consideration to the rival submissions and also perused the materials placed on record.

16.The petitioner claims for the lease of fishing rights in the strength of the Government Order in G.O.Ms.No.332, dated 17.11.1993. This Government Order is based on the Revenue Standing Order No.211 and the tanks in the State are under the control of Revenue Department, Public Works Department, Local Bodies and Fisheries Department. The foundation for grant of lease of fishing rights emanates from the Revenue Standing Order [RSO No.211], which deals with the disposal of fisheries rights. The origin and development of the lease of fishing right has been discussed in detail in by this Court, in the case of Kamardeen vs The State Of Tamil Nadu [WP(MD) Nos.23861 of 2017, dated 27th March, 2018] and the relevant portions are extracted hereunder:

> "4.The relevant portion of the above Revenue Standing Order reads as follows:-
>
> RSO.211:- Disposal of Fisheries by Lease:-

The fisheries in all public inland waters such as tanks, rivers, estuaries, canals, drains etc., whether in charge of Revenue or Public Works or Fisheries Department should ordinarily be disposed of by lease. Where such waters lie in or flow through municipal or panchayat limits, the right of fishing shall be exercised in such limits subject to the provisions of section 228 of the Tamil Nadu District Municipalities Act or section 124 of the District Board Act, 1920, or section 77 of the Tamil Nadu Village Panchayats Act (Act X of 1950) as the case may be. Disposal of fishery rights otherwise than by lease shall be resorted to only under the circumstances mentioned in paragraph 2 below. The concession of lease without auction is not available to individuals. The lease should be given in the following order of preference:-

(i) Co-operative societies of fishermen or of Harijans engaged in fishing;

(ii) Panchayat of the locality;

(iii) Private individuals as determined by the results of public auction?

5. As per the above Revenue Standing Order, while granting fishing rights, the first preference should be given to the co-operative societies of fishermen or of Harijans engaged in fishing. If the co-operative society is not prepared to take the lease, then lease should be given to the panchayat of the area and if the local panchayat also not willing to take lease then the fishery right should be given to private individuals through public auction.

6. In the year 1972, the Government framed a Rules called Tamil Nadu Inland Fisheries Lease and Licence Rules, 1972 (hereinafter called as 'Rules') in exercise of powers conferred under Section 6 of the Indian Fisheries Act, 1897. Rule 2 of the Rules prohibits conducting fishing operations, in any waters referred to in Annexure-I of the Rules except under a lease or licence granted by the Government or any other authority authorised by the Government. Rule 3 prohibits fishing in any water specified in Annexure II of the Rules without a valid lease or licence by the Government or local body with whom the water vests. Annexures I and II refers to rivers, channels, and other connected waters available in

various Districts in the State. The above Rules also prescribed conditions of licence and lease in various waters mentioned in the schedules. Thereafter, the Government issued various Government Orders fixing the lease period and also conditions for granting licence.

7.In the year 1984, the Government framed a Scheme for Intensive Inland Fishing Culture and Marketing (hereinafter called as 'the scheme') in the erstwhile Madurai and South Arcot Districts, in G.O.Ms.No.1286, Forests and Fisheries Department, dated 09.11.1984. The above scheme has been framed with a view to exploiting the available inland water resources for better fish production by intensively stocking with them with quick growing fish seeds. A proposal was also submitted by the Director of Fisheries for taking over all major irrigation tanks and long seasonal tanks with the Fisheries Department, on an experimental basis, in the erstwhile Madurai and South Arcot District for implementing the scheme.

8.Subsequently, in the year 1993, the Government issued another Government Order in G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993, for leasing of fishery rights in water spread tanks under the control of Public Works Department, Revenue Department and Panchayat Department in a public auction and also for enhancement of lease period to five years. The said Government Order, after referring to the preference for granting lease as per the Revenue Standing Order 211, modified the earlier Government Order in respect of period of lease that all the fishery right lease shall be granted for a period of five years on an automatic escalation of lease/rent by 10% over and above the previous year's rate during the five year period and the first year bids will be taken as the base rate and also stated that annual lease should not be resorted to.

9.So far as the Districts covered under G.O.Ms.No.1286, Forests and Fisheries Department, dated 09.11.1984 wherein the Intensive Inland Fisheries Development Scheme was implemented, as the scheme is not functioning as expected, the Government has decided to issue partial modifications in the Scheme and issued new Government Order in G.O.Ms.No.33, Animal Husbandry and Fisheries

Department, dated 27.02.1995. As per the amended Government Order, the fishery rights available in the above Districts should be leased out to the individuals and the Inland Fishermen Co-operative Society for a period of three continuous years to the successful bidder in the public auction and while calling for tenders, the upset price should be fixed taking into account the cost of stocking of fish seeds, water retentivity and other factors in each tank by the Assistant Director of Fisheries with the approval of the Regional Joint Director or Deputy Director and Commissioner of Fisheries.

10.Recently, the Government issued another order, partially modifying the above Government Orders in G.O.Ms.No.201, Animal Husbandry, Dairying and Fisheries Department, dated 19.10.2017, substituting some new terms and conditions in G.O.Ms.No.33, dated 27.02.1995. As per the substituted conditions, the local fishermen co-operative society shall be given priority for taking lease of fishery rights before leasing the same through public tender by paying upset price and the upset price shall be fixed once in three years by the Assistant Director of Fisheries concerned subject to approval of the Regional Joint / Deputy Director of Fisheries and Commissioner of Fisheries. The tanks shall be allotted exclusively to the concerned Inland Fishermen Co-operative Society for a continuous period of three years with 20% more than that of the upset price fixed by the Department for the first year. If the fishermen co-operative society does not come forward to take the lease of the fishery rights in a particular tank, then the Assistant Director of Fisheries shall lease out the fishery rights to the private parties by following public tender system. Out of the lease amount paid by the Fishermen Co-operative Society or lessee, 50% of the lease amount should be credited to the account of the Public Works Department. Yet another condition is included in the above Government Order, that during the lease period, if any one of the years is declared as drought year by the Government and the lease amount has been paid by the lessee for that particular year in advance, then the lease period should be extended by one year without any lease amount. Further, leasing of fishery rights shall be carried out by the Fisheries Department in the tanks where fishery rights are at present leased out by that Department and the Revenue Department continued to lease out the fishery rights

in the tanks where the Revenue Department is leasing out. So far as the remaining tanks, granting of lease shall be vested with the Public Works (Water Resources) Department.

11.In the meantime, the Government has also issued another Government Order relating to sharing of income from the leasing out of fishery rights in G.O.Ms.No.16, Public Works Department, dated 14.01.2011. As per the above Government Order, so far as the tanks under the control of Public Works Department where the fishery rights leased out by the Fisheries Department or Revenue Department, 50% of the lease amount should be paid to the Public Works Department for the purpose of maintaining tank. So far as the tanks under the control of Public Works (Water Resources) Department, the right to granting of lease is given to the Public Works Department and 50% of the lease amount should be paid to the various agricultural associations formed under Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000.

12.As on today, the leasing out of fishery rights in this State is governed by the Revenue Standing Order No.211. In respect of areas covered under the Scheme is governed by G.O.Ms.No.1286, dated 09.11.1984, G.O.Ms.No.33, dated 27.02.1995 and G.O.Ms.No.201, dated 19.10.2017. So far as the remaining areas, the leasing out of fishery rights are governed by G.O.Ms.No.332, Animal Husbandry and Fisheries Department dated 17.11.1993.

13.As per G.O.Ms.No.332, Animal Husbandry and Fisheries Department, dated 17.11.1993, all the fishing leases should be granted for a period of five years and this Government Order strictly prohibiting leasing out of tanks annually. Apart from that the lease should be granted by following order of preference, that is, firstly to the Co-operative societies comprised of Fishermen or of Harijans engaged in fishing, secondly, the panchayat of the locality and thirdly, if no takers in both categories, it should be given to the private individuals by public auction.

14.In respect of the areas where the scheme is implemented namely, fishery rights should be given for three continuous years. So far as the priorities are concerned, Fishermen Co-operative Society shall be given first priority, if the society does not come

forward to take lease, then it should be leased out to the private parties through public tender system."

17.The TN Panchayat Rules, 1999, were framed under Section 242 of the Tamil Nadu Panchayats Act, 1994 and in supersession of the Tamil Nadu Lease and Licensing of Fishery Rights in Panchayats, Panchayat Union Rules, 1983, came into force with effect form 23.08.1999.

18.Rule 2 of the TN Panchayat Rules, 1999 reads as follows:

"Rule 2. Prohibition of Fishing without lease or licence in water sources under the control of Village Panchayat or Panchayat Union Council – No person shall take any fish from the water sources specified in Appendix-I of the these Rules except under a lease or licence granted by the Village Panchayat or the Panchayat Union Council, as the case may be, or by such authority as may be authorised by them with such conditions as may be specified in the lease or licence, as the case may be, which may be suitably modified or amended from time to time."

Rule 12 of the The TN Panchayat Rules, 1999 reads as follows:

"Rule 12. Authority competent to conduct of fishery rights – (1) the Executive Authority of Village Panchayat concerned shall be competent to conduct public auction of fishery rights in its respective water source specified in item (3) of Appendix-I. The Commissioner of Panchayat Unions concerned shall be competent to conduct public auction of fishery rights in water sources, specified in items (1) and (2) of Appendix-I. Such auction of fishery rights shall be conducted after giving sufficient notice and publicity. When the auction of the fishery rights takes places, if any fisheries, co-operative society participating in the auction comes forward to match the highest bid, preference shall be given to such fisheries co-operative society. In case of more than one fisheries co-operative society participating in the auction, the highest bid of the co-operative society shall be finalised.

(2) The fisheries co-operative society not participating in the auction shall have not right to claim for fishery right by offering to match the highest bid amount.

(3) For the purpose of participating in the auction, earnest money deposit amount shall be fixed at the rate of 5 percent of upset lease amount."

The irrigation sources, which are entrusted to Panchayat Union Council under Section 133(1) of the Tamil Nadu Panchayats Act, 1994 are referred under Appendix -I.

19.In this background, the issue in this case is discussed.

20.The TN Panchayat Rules, 1999 enables the panchayat to grant any lease or licence for fishing in water resources under the control of the village panchayat. The petitioner claiming to be the president of the Society made a request to the Director of Fisheries, the second respondent herein for grant of lease of the Lake to the petitioner's Society for a period of five years as per G.O.Ms.No.332, dated 17.11.1993.

21.The petitioner has approached the second respondent upon the resolution of the Executive Committee of the Society dated 14.10.2019. The second respondent recommended the third respondent for grant of lease of fishing rights to the petitioner Society for a period of five years as per G.O.Ms.No.332, dated 17.11.1993. Based on this communication of the second respondent, the fourth respondent has also sent a communication to the petitioner, calling upon him to pay a sum of Rs.2,80,326/. The petitioner in response to the said letter sent demand drafts dated 17.09.2020 and 21.09.2020 for a sum of Rs.38,913/- and another sum of Rs.2,41,413/- on 22.09.2020 after the completion of the auction on 18.09.2020.

22.The third respondent filed a typed set of papers enclosing the request of the president of the Lake for conducting public auction on 17.06.2020 for the Lake and two other lakes. The fourth respondent Block Development Officer has also ordered for public auction for several lakes including the subject lake on public auction vide his proceedings in Na.Ka.No.766/2020/A5, dated 30.06.2020. The public notice, mentioned the auction date as 18.09.2020 is also placed before this Court. 68 persons have participated in the public auction held on 18.09.2020, photographs and the proceedings of the public auction are also annexed in the typed set of papers. The Sixth respondent has been declared as successful bidder for a sum of Rs.4,61,000/- and the same was informed by the impugned order dated 28.09.2020.

23.The petitioner seems to have taken demand drafts dated 18.09.2020 and 21.09.2020 for a sum of Rs.38,913/- and another sum of Rs.2,41,413/- on 22.09.2020. At the same time, the sixth

respondent remitted a sum of Rs.5,16,320/- together with GST and he also appears to have spent money on purchase of fishlings vide the invoices placed before this Court.

24.Now the petitioner has come forward to pay a sum of rupees five lakh and confined the period of lease for a period of three years.

25.As rightly pointed by the learned Counsel for the petitioner when the fourth respondent has confirmed the lease in favour of the the petitioner's society, by proceedings dated 22.04.2020 ought not to have conducted a public auction, without cancelling the earlier order dated 22.04.2020 and without issuing any notice or by providing opportunity to the petitioner and therefore, on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

26.The petitioner was granted lease by the fourth respondent by proceedings in Na.Ka.No.766/2020/A5, dated 22.04.2020 in accordance with G.O.Ms.No.332 dated 17.11.1993. The said Government Order mandates the authorities to give priority in the matter of grant of lease of any fishing rights only to Fishermen Co-Operative Society and the lake can be brought for auction only when the Co-Operative Society is not willing to take up the lease.

27.The petitioner has filed the application in the capacity as President of the FMR-6, Thenkanikottai Meenavar, Kootturavu Sangam Limited, Thenkanikottai. The sixth respondent has made a specific averment that there is no Co-Operative Society in existence and the registration number of the petitioner's Society has not been furnished. Therefore, the matter has been listed 'under the caption for clarification'.

28.At this juncture, the learned Counsel for the petitioner has produced the copy of the registration certificate of the petitioner's Society. Therefore, this Court is of the view that the petitioner Society is entitled for grant of lease of fishing rights as per G.O.Ms.No.332, dated 17.11.1993.

29.The respondents have fixed the lease amount as Rs.2,80,326/- for the period from 2019-2020 to 2021 to 2023. The petitioner, who initially did not come forward to remit the said amount from April 2020 to September 2020, has now filed an affidavit that he is prepared to take up the lease for a sum of Rs.5,00,000/- (Rupees Five Lakh). This would expose the real value of the lease and how the public properties are exploited without competition. However, the authorities without ascertaining the value of the lease and without going for auction, has mechanically fixed the lease amount in the absence

of any competition. Considering the demand for lease of fishing rights, the Government has to revisit G.O.Ms.No.332, dated 17.11.1993.

30. As per the Government Order in force, the petitioner is entitled for the grant of lease of fishing rights and he has also been awarded with the lase of fishing rights by the fourth respondent based on the recommendation of the second respondent wife proceedings in Na.Ka.No.766/2020/A5, dated 22.04.2020. However, without cancelling the same and without providing opportunity to the petitioner, the auction has been conducted and the sixth respondent has also invested around Rs.10,00,000/- based on the lease of fishing rights granted to him.

31.in view of the above discussion, the impugned order in Na.Ka.No.766/2020/A5, dated 30.06.2020 is hereby set aside. However, the sixth respondent shall be permitted to hold the lease of fishing rights till the end of this year, i.e., 31.12.2021. The lease amount for the said period shall be retained and the remaining amount shall be refunded to the sixth respondent by the officials concerned.

32.The fourth respondent has offered the lease to this petitioner for sum of Rs.2,80,326/-. However, after the auction dated 18.09.2020, the petitioner has now come forward to pay a sum of Rs.5,00,000/- and therefore, the petitioner shall be granted lease for the remaining period of two years from 2022 to 2023 at the rate of Rs.5,00,000/- (Rupees Five Lakh for the year 2022 and Rs.5,00,000-/ (Rupees Five Lakh) along with 15% escalation cost for the year 2023.

33.With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions if any shall stand closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

dsk

To

1. The District Collector,
   Krishnagiri.

2. The Assistant Director of Fisheries,
   Krishnagiri.

3. The Block Development Officer,
   Thalli, Krishnagiri.

4. The Chief Secretary to Government,
   State of Tamil Nadu,
   Secretariat, Chennai.

5. The Commissioner,
   Thalli Panchayat Union,
   Thalli, Krishnagiri District.

6. The President,
   Panchayat Board,
   Ancheatti,
   Thalli Panchayat Union,
   Krishnagiri District.

+1cc to Mr.S.Senthilnathan, Advocate, S.R.No.43156
+2cc to Mr.M.Premkumar, Advocate, S.R.No.42465

W.P.No.18217 of 2020

SVI(CO)
RGA(07/09/2021)